

Applicant	Spectrum Business Park Association	
Request	Notice of Proposed Change – Extend DRI Buildout Date	
Location	SW Intersection of NW 21 Ave and W Commercial Blvd.	
Legal Description	Commerce Park, P.B. 112, P. 18	
Property Size	60.65 Acres	
Zoning	AIP, Air Industrial Park	
Existing Land Use	Corporate Business Park	
Future Land Use Designation	Employment Center	
Comprehensive Plan Consistency	Consistent with Future Land Use Element, Objective 28	
Other Required Approvals	Florida State Statute Chapter 380, Developments of Regional Impact	
Applicable ULDR Sections	Sec. 47-24.10, Development of Regional Impact (DRI)	
Notification Requirements	Sign Posting and Newspaper Advertising 15 days prior to meeting,	
Action Required	Recommend approval or denial to City Commission	
Project Planner	Name and Title	Initials
	Angela Csinsi, Planner II	
	Authorized By	
	Chris Barton, AICP, RLA, Principal Planner	
Approved By	Bruce Chatterton, AICP, Planning and Zoning Manager	

Request:

Notice of Proposed Change (NOPC) to amend the Development Order (DO) to extend the buildout date of the Spectrum Development of Regional Impact (DRI). The current buildout date is November 30, 2003 and the proposed buildout date is November 30, 2010, an extension of seven years.

Property/Project Description:

The approved Development of Regional Impact (DRI) Development Order (DO) was first adopted by City Ordinance C-84-55 on July 3, 1984, and amended by Ordinances:

C-86-13 2/19/86 Allowed 175 room hotel and free standing restaurant,

C-89-24 11/30/90 Allowed modification to a drainage canal and extended the buildout date to November 30, 1990,

C-90-97 11/4/90 Extended the buildout date to November 30, 1992,

C-93-70 11/30/92 Extended the buildout date to November 29, 1994,

Ordinance C-93-70 was challenged by the Department of Community Affairs and such challenge was concluded by requiring Spectrum Business Park Association, Inc. to file an Application for Development Approval of a Substantial Deviation (ADA) on or before August 8, 1995, which was later extended and on November 15, 1995, such ADA application was filed proposing to extend the buildout date to November 30, 2003, and,

C-98-24 4/21/98 Extended the buildout date to November 30, 2003 and
Consolidated and restated the Development Order.

The Spectrum Business Park Association, Inc. took over ownership of the commerce park in 1994. It was discovered that the DRI had expired while under the previous ownership. The City Commission approved the new DO for the DRI by Ordinance C-98-24 on April 29, 1998. The current expiration date is November 30, 2003.

The DO has approved the construction of up to 1,109,960 s.f. of office uses, a 261,000 s.f. garage, and light manufacturing and high technology/research uses. In lieu of 125,000 s.f. of office facilities, there may be developed a hotel with up to 175 rooms and a free standing, quality sit down restaurant of up to 10,000 s.f. in size. The locations of which are to be determined at the time of site plan approval.

There is currently developed on the site:

Office/Hotel	335,603 s.f.
Office/Industrial	303,247 s.f.
Total developed	638,850 s.f.

Total not developed 471,110 s.f.

This application seeks only to extend the buildout date from the current expiration of November 30, 2003 to November 29, 2010 (less than 7 years). Only Section 9. Buildout Date, of the DO is to be revised.

The applicant has indicated that they will be seeking site plan approval for the final development of the site that will result in the total building on the site at about seventy-five percent (75%) of the totals allowed under the DO.

This application was reviewed by the DRC on May 13, 2003 and all comments have been addressed.

Parking and Traffic:

The following narrative is provided by Walter Keller, City Traffic Consultant:

“Ordinance C-98-24 did not require any roadway system traffic improvements. The ordinance does require the promotion of ridesharing and carpooling (Sec. 5-A.1a), encourages transit use (Sec. 5-A.1b) and on-site bicycle storage facilities (Sec. 5-A.1c). An Air Quality Modeling Study (Sec. 5-A.17) was required for parking lots and LOA “E” and “F” intersections. The Air Quality Study is also to have addressed mitigation measures if necessary to meet air standards.”

The applicant was requested to provide updated traffic information, and attached is Kimley-Horn’s letter of September 4, 2003 (see **Exhibit 1**). As indicated by Kimley Horn, there are no further specific traffic improvements required, the air quality study has been completed and accepted, and the hazardous material management plan has been approved. Furthermore, the project is within the Traffic Concurrency Exception Area and is therefore exempt from mitigation requirements related to level of service standards.

Comprehensive Plan Consistency:

Consistent with Future Land Use Element, Objective 28 which states: “Coordinate resource planning and management, as appropriate, pursuant to Chapter 380, Florida Statutes, and approved by the Governor and Cabinet.

Staff Determination:

This application must comply with Florida Statute Chapter 380.06, Developments of Regional Impact. Specifically, the applicant must demonstrate that this application complies with Chapter 380.06(19)(c), Substantial Deviations as listed below:

“An extension of the date of buildout of a development, or any phase thereof, by 7 or more years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, or 5 years or more but less than 7 years shall be presumed not to create a substantial deviation. *These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. ...*

The application proposes to extend the buildout date from November 30, 2003, to November 30, 2010. A traffic analysis was performed by the applicant to demonstrate that the requested extension will not create a level of service exceedance on any of the links or intersections located outside of the County Exception Area and that the extension complies with the Concurrency Management System of Broward County and the City of Fort Lauderdale and the transportation policies of the Department of Community Affairs. (See Tab D of the Applicant’s Submittal)

The City concurs with this assessment and we recommend that the extension be approved without requiring the applicant to undergo any further DRI review.

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Planning & Zoning Board Review Options:

The Planning and Zoning Board as the Local Planning Agency, must determine that this application meets the criteria as listed in Chapter 380, F.S. and shall recommend the application to the City Commission..

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